

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23497 of 2006

Dated: 13-11-2006

Between:

Khaja Mohiuddin Kureshi and another.

..... PETITIONER

AND

The Andhra Pradesh State Wakf Board, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23497 of 2006

ORDER:

The two petitioners allege that their father Mohammed Yakoob Qureshi was muttawalli of Police line Mosque, Kurnool. After death of their father, they allegedly made applications requesting their appointment as muttawallis. While the same were pending, by proceedings dated 22-08-2006, respondent No.1 appointed Managing Committee under Section 18 of the Wakf Act, 1995 (the Act, for brevity), respondent No.4 herein. They then filed a writ petition, being W.P.No.17247 of 2006, *inter alia*, seeking a direction to respondent No.1 to appoint them as joint muttawallis. This Court disposed of said writ petition on 18-09-2006 observing that as and when they make representation, respondent No.1 shall consider it and pass appropriate orders within a period of four weeks. In the meanwhile, respondent No.1, by proceedings dated 21-09-2006, considered the representation made by them on 22-08-2006 and came to the conclusion that Muttawalliship is not hereditary and therefore, there is necessity to appoint Managing Committee. Be that as it is, in this writ petition the petitioners again challenge the proceedings dated 22-08-2006 issued by respondent No.1 appointing respondent No.4, to which a reference was already made in the order passed by this Court on 18-09-2006 in W.P.No.17247 of 2006. They also challenge the subsequent proceedings dated 21-09-2006 issued by respondent No.1.

After hearing the learned counsel for the petitioners and the learned standing counsel for the Andhra Pradesh State Wakf Board, it becomes clear that after the death of Mohammad Yakoob Qureshi on 22-07-2006, respondent No.1 appointed Managing Committee, respondent No.4 herein, and that the application made by the petitioners for their appointment as joint muttawallis was rejected. If the petitioners have any grievance about these two proceedings, their remedy is to approach the Andhra Pradesh State Wakf Tribunal under Section 83(2) of the Act by filing an application. This is effective efficacious alternative remedy and they should first avail the same. By bypassing such effective remedy, they cannot seek a writ from this Court. Such liberty is reserved to them. As and when such application is filed, the learned Tribunal may decide the same in accordance with law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

13th November, 2006
ghn